

**STATE OF ILLINOIS  
ILLINOIS LABOR RELATIONS BOARD  
STATE PANEL**

Britt J. Weatherford,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. S-CB-10-004
	)	
American Federation of State, County and Municipal Employees, Council 31,	)	
	)	
Respondent	)	

**DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD  
STATE PANEL**

On October 11, 2011, Executive Director John F. Brosnan dismissed the unfair labor practice charge filed by Britt J. Weatherford (Charging Party) in the above-captioned case. The Charging Party alleged that the American Federation of State, County and Municipal Employees, Council 31 (Respondent) violated Section 10(b) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended (Act), in that it failed to properly process several grievances on his behalf.<sup>1</sup> The Executive Director dismissed the charge, finding no evidence Respondent intentionally took action designed to retaliate against Charging Party or due to his status.

The Charging Party filed a timely appeal of the Executive Director's Dismissal pursuant to Section 1200.135(a) of the Board's Rules and Regulations, 80 Ill. Admin. Code, Parts 1200

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<sup>1</sup> Section 10(b)(1) provides that

It shall be an unfair labor practice for a labor organization or its agents:

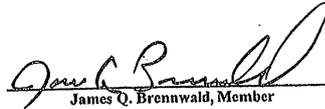
(1) to restrain or coerce public employees in the exercise of the rights guaranteed in this Act, provided, (i) that this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein or the determination of fair share payments and (ii) that a labor organization or its agents shall commit an unfair labor practice under this paragraph in duty of fair representation cases only by intentional misconduct in representing employees under this Act[.]

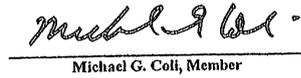
through 1240, and Respondent filed a response. After reviewing the record, appeal and response, we uphold the Executive Director's dismissal for the reasons articulated in that document.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

  
Jacalyne J. Zimmerman, Chairman

  
Paul S. Besson, Member

  
James Q. Brennwald, Member

  
Michael G. Coli, Member

  
Albert Washington, Member

Decision made at the State Panel's public meeting in Chicago, Illinois, on April 12, 2012; written decision issued at Chicago, Illinois, May 1, 2012.

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ILLINOIS LABOR RELATIONS BOARD  
STATE PANEL**

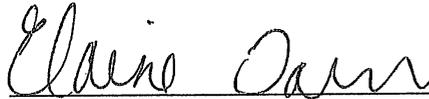
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	)	
Charging Party	)	
	)	
and	)	Case No. S-CB-10-004
	)	
American Federation of State, County	)	
and Municipal Employees, Council 31,	)	
	)	
Respondent	)	

**AFFIDAVIT OF SERVICE**

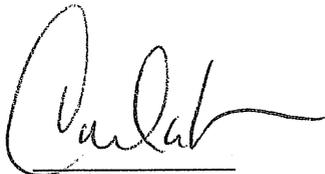
I, Elaine Tarver, on oath state that I have this 1st day of May 2012, served the attached **DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD STATE PANEL** issued in the above-captioned case on each of the parties listed herein below by depositing, before 5:00 p.m., copies thereof in the United States mail at 100 W Randolph Street, Chicago, Illinois, addressed as indicated and with postage prepaid for first class mail.

Thomas Edstrom  
AFSCME, Council 31  
205 N Michigan Ave, Suite 2100  
Chicago, IL 60601

Britt Weatherford  
3321 Smythberry Lane, Apt #7  
Springfield, IL 62711

  
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**SUBSCRIBED and SWORN to**  
before me this 1st day  
of May, 2012.

  
\_\_\_\_\_  
**NOTARY PUBLIC**

